

REMARKS/ARGUMENTS

Claims 1-76 are pending in the application. Claims 1-76 stand rejected as obvious under 35 U.S.C. § 103(a). The rejection is respectfully traversed and reconsideration is requested. The references asserted do not teach or suggest the claimed invention.

Claim Amendments

Amended independent claims 1 and 74 propose a method and system, respectively, for producing advanced management information systems (MIS) information from source transaction data that involves capturing at least one of automatic teller machine (ATM) source transaction data and home banking system source transaction data written sequentially in a pre-defined binary format from a database storing the data, parsing the source transaction data to a plain text file format, assigning a unique integer key value to each of a plurality of individual transaction records in each of a plurality of plain text output files, and loading the output files to a relational database management system. See, e.g., Specification, p. 2, lines 8-22; p. 7, line 16-p. 25, line 9.

Amended independent claims 22 and 75 propose a method and system, respectively, for producing advanced management information systems (MIS) information from source transaction data, which involves reading at least one of an ATM transaction journal log and a home banking system transactional journal log written in a pre-defined binary format to isolate a transaction message in a message buffer, parsing the contents of the isolated transaction message, writing out the parsed contents into a flat-text file of Structured Query Language (SQL) records into an output file loadable into a database re-using at least one Visual Basic (VB) class used for creating the transaction journal log, storing the output file in the database. See, e.g., Specification, p. 2, lines 8-22; p. 7, line 16-p. 25, line 9.

Amended independent claims 73 and 76 propose a method and system, respectively, for producing management information systems information from transaction journal log files written in elementized message format, involving calling a

method to find a next message in at least one of ATM transaction journal log files and home banking system transaction journal log files, finding an end of a transaction journal log file and isolating message contents of the file into a message buffer space, returning a status indicating the end of the file was reached, calling another property of the method to acquire an address of the message buffer space, providing the message buffer space address in the form of a VB VARIANT data type, parsing the contents of the message corresponding to the message buffer address into elementized message format variables within at least one VB class, performing at least one of writing a structured query language record of the parsed message contents into an output file and examining VB date variables in a predetermined VB class to determine if the parsed message contents should be written to an elementized message format output file, and storing the output file in a relational database management system. See, e.g., Specification, p. 2, lines 8-22; p. 7, line 16-p. 25, line 9.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1-76 stand rejected as obvious over Hinkle (WO 99/22329) in view of Jennings, SQL Server 7: Ready for the Enterprise, Fall 1998, and Kroenke, Database Processing Fundamentals, Design and Implementation, 1995. The rejection is respectfully traversed and reconsideration is requested.

According to the Examiner, “Hinkle discloses (see at least pages 1-124, but in particular pages 1-32) all the steps, methods and systems in claims 1-76 including” [here, the Examiner quotes the limitations of independent method claims 1, 22, and 73]. Further, according to the Examiner, “The dependant claims are rejected for being dependent upon rejected independent claims.”

The Examiner considers that “Hinkle does not discuss Visual Basic in conjunction with SQL, nor does he teach some of the fundamentals of common database applications”, but that “Jennings teaches (see pages 30-36) the old and well known relationships between Visual Basic and SQL”, and that “Kroenke teaches (see pages 12-16 and 26-32) the fundamentals of common database applications”. The

Examiner's reason for combining Jennings, Kroenke with Hinkle is that "it would have been common sense and advantageous and would have provided a more comprehensive system of data management".

Finally, the Examiner adds an allegation of "Official Notice" that the independent claims are "very old and well known steps common to data management using SQL and Visual Basic"; that "there is nothing novel about" the first step of the first claim; that "all the other steps are just as common"; that all are "anticipated by the three references"; that ATMs and home banking are "common and well known applications of databases for customer bank accounts"; and that "there is no new technology described by any of the claims, only application of old and well known technology for old and well known uses.

Regarding independent claims 1, 22, 73, 74, 75, and 76, the Examiner contends that Hinkle teaches each and every element of independent claims 1, 22, 73, 75, and 76, except "the old and well known relationship between Visual Basic and SQL", which the Examiner considers to be taught by Jennings, SQL Server 7: Ready for the Enterprise, "the fundamentals of common database applications", which the Examiner considers to be taught by Kroenke, Database Processing Fundamentals, Design and Implementation, and the Examiner's allegation of "Official Notice" that independent claims 1, 22, 73, 75, and 76 are, e.g., "old", "well known", "nothing novel", "common", "anticipated", and "no new technology".

On the contrary, Hinkle teaches an accounting engine (see, e.g., Hinkle, p. 1-124, and in particular p. 1-32 and Figs. 10-15) that uses financial data within transactions to update control fields in tables or files and maintains history files for system data tables. See, e.g., Hinkle, p. 1, line 28-page 2, line 2. The Hinkle accounting engine decomposes financial transactions into subtransactions for independent processing, describes each subtransaction by a short text string, and when a subtransaction is performed, updates control fields. See, e.g., Hinkle, p. 2, lines 3-20. According to Hinkle, the accounting engine processes financial transactions for related business enterprises ("licensees") in

an “interleaved” manner and simultaneously processes transactions for investment management, telecommunications billing, and paying agencies, with disparate definitions. See, e.g., Hinkle, p. 2, line 21 page 3, line 2.

The Examiner failed to specify where in pages 1-124 or 1-32 of Hinkle all the steps, methods and systems of claims 1-76 can be found, and there is no teaching or suggestion whatsoever in Hinkle of capturing at least one of automatic teller machine (ATM) source transaction data and home banking system source transaction data written sequentially in a pre-defined binary format from a database storing the data, parsing the source transaction data to a plain text file format, assigning a unique integer key value to each of a plurality of individual transaction records in each of a plurality of plain text output files, and loading the output files to a relational database management system, as recited in amended independent claims 1 and 74. Nor does Hinkle teach or suggest reading at least one of an ATM transaction journal log and a home banking system transactional journal log written in a pre-defined binary format to isolate a transaction message in a message buffer, parsing the contents of the isolated transaction message, writing out the parsed contents into a flat-text file of Structured Query Language (SQL) records into an output file loadable into a database re-using at least one Visual Basic (VB) class used for creating the transaction journal log, storing the output file in the database, as recited in amended independent claims 22 and 75.

Neither does Hinkle teach or suggest calling a method to find a next message in at least one of ATM transaction journal log files and home banking system transaction journal log files, finding an end of a transaction journal log file and isolating message contents of the file into a message buffer space, returning a status indicating the end of the file was reached, calling another property of the method to acquire an address of the message buffer space, providing the message buffer space address in the form of a VB VARIANT data type, parsing the contents of the message corresponding to the message buffer address into elementized message format variables within at least one VB class, performing at least one of writing a structured query language record of the parsed message contents into an output file and examining VB date variables in a predetermined VB class to determine if the parsed message contents should be written to an elementized

message format output file, and storing the output file in a relational database management system, as recited in amended independent claims 73 and 76.

Instead, Hinkle teaches an accounting engine that allows a business to define "reference" or "master tables" that describe management decision-making, accounting structure, regulatory information, audit controls and system procedures that provide control of processing and prevent overwriting original data, institutional and customer reporting files or "driven" tables, and the processing content of each individual transaction to be processed via table definitions or "driving" tables. See, e.g., Hinkle, p. 3, lines 3-19. Further, the Hinkle accounting engine provides separate control columns for cash, units and cost basis for each financial transaction that are repeated in three other tables, as well as data columns for a history of add, change and delete commands, additions to a current database or archive and purge of a permanent database, error information. According to Hinkle, the accounting engine also uses four sets of files with snapshots of all reference files, history files, financial transactions, and "driven" tables. See, e.g., Hinkle, p. 3, line 20 page 4, line 6.

The Hinkle accounting engine decomposes processing into a separate subprocesses simultaneously performed on processors, decomposes input transactions into subtransactions, and allocates a next prescribed subtransaction process to a next available processor. See, e.g., Hinkle, p. 4, lines 7-13. According to Hinkle, the accounting engine uses four processes including maintaining historical transaction data, data columns, maintaining financial records for financial instruments such as stocks, bonds, and real estate, and customer and institutional data tables. See, e.g., Hinkle, p. 4, lines 14-26. Further, according to Hinkle, the accounting engine employs four program modules controlling functionality, including a transaction processing controller module that receives and controls processing of transactions, a preprocessor and decomposer module that determines validity of transactions and retrieves appropriate subtransactions, and subtransaction scheduling and processing modules, as well as software switches to control which of "driven" tables to update. See, e.g., Hinkle, p. 4, line 27-p. 5, line 7.

The excerpts from Kroenke, which provide Kroenke's definitions of a database and database components, fail to remedy the deficiencies of Hinkle. Moreover, the article by Jennings, which suggests resources for "brushing up on SQL Server", fails to remedy the deficiencies of Hinkle and/or Kroenke.

Further, the examiner's allegation of "Official Notice" that the independent claims are "very old and well known steps common to data management using SQL and Visual Basic"; that "there is nothing novel about" the first step of the first claim; that "all the other steps are just as common"; that all are "anticipated by the three references"; that ATMs and home banking are "common and well known applications of databases for customer bank accounts"; and that "there is no new technology described by any of the claims, only application of old and well known technology for old and well known uses", fails to remedy the deficiencies of Hinkle, Kroenke, and/or Jennings.

The examiner's allegation of "Official Notice" should be withdrawn because it is improper, e.g.,:

- the notice taken is not capable of such instant and unquestionable demonstration as to defy dispute;
- the notice taken is not supported by citation to some reference work recognized as a standard in the pertinent art; and
- a clear and unmistakable technical line of reasoning underlying the decision to take such notice is not provided.

The notice of facts beyond the record which may be taken by the examiner must be "capable of such instant and unquestionable demonstration as to defy dispute."¹ It would not be appropriate for the examiner to take "Official Notice" of facts without citing a prior art reference where the facts asserted are not capable of

¹ *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970) (citing *In re Knapp Monarch Co.*, 296 F.2d 230, 132 USPQ 6 (CCPA 1961)). Emphasis added.

instant and unquestionable demonstration as being well-known.² Assertions of specific knowledge of the prior art must always be supported by citation to some reference work recognized as standard in the pertinent art.³ If “Official Notice” is taken, the technical line of reasoning underlying a decision to take such notice must be clear and unmistakable.⁴

First, assertions of the sort made by the examiner in the technology area of the subject invention (computer systems assuring the integrity and validity of financial transaction data) are inherently unlikely to be capable of such instant and unquestionable demonstration as to defy dispute. Second, the examiner does not cite a prior art reference beyond excerpts from Kroenke, which provide Kroenke’s definitions of a database and database components. Finally, no technical line of reasoning underlying the decision to take such notice is presented beyond the axiomatic recitation that “it would have been common sense and advantageous and would have provided a more comprehensive system of data management”.

For these reasons, the undersigned requests that each instance of “Official Notice” be withdrawn. The remarks to this point are a challenge to the implicit finding that “Official Notice” is proper in this case. The remarks are responsive in that they distinctly and specifically point out the error in taking “Official Notice” in this fashion – as required by 37 CFR 1.111(b). While the MPEP asserts:

To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner’s action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b),

² MPEP 2144.03. Emphasis in the original.

³ *Id.* Emphasis added.

⁴ *Id.*

such a traverse is required only where “Official Notice” was properly taken. Otherwise, an improper “Official Notice” , e.g., mere assertion, would operate as an inappropriate burden-shifting tactic.

In the event the examiner’s alleged “Official Notice” is found proper with respect to one or more claims, remarks regarding each such claim specifically pointing out errors in the action and stating why the noticed fact is not considered to be common knowledge or well-known in the art are presented in this Remarks section relevant to that claim.

Hinkle, Kroenke, and Jennings, either separately or in combination with one another, do not disclose or even suggest the required combination of limitations of amended independent claims 1 and 74 of capturing at least one of automatic teller machine (ATM) source transaction data and home banking system source transaction data written sequentially in a pre-defined binary format from a database storing the data, parsing the source transaction data to a plain text file format, assigning a unique integer key value to each of a plurality of individual transaction records in each of a plurality of plain text output files, and loading the output files to a relational database management system.

Nor Hinkle, Kroenke, and Jennings, either separately or in combination with one another, disclose or even suggest the required combination of limitations of amended independent claims 22 and 75 of reading at least one of an ATM transaction journal log and a home banking system transactional journal log written in a pre-defined binary format to isolate a transaction message in a message buffer, parsing the contents of the isolated transaction message, writing out the parsed contents into a flat-text file of Structured Query Language (SQL) records into an output file loadable into a database re-using at least one Visual Basic (VB) class used for creating the transaction journal log, storing the output file in the database.

Neither do Hinkle, Kroenke, and Jennings, either separately or in combination with one another, disclose or even suggest the required combination of limitations of

amended independent claims 73 and 76 of calling a method to find a next message in at least one of ATM transaction journal log files and home banking system transaction journal log files, finding an end of a transaction journal log file and isolating message contents of the file into a message buffer space, returning a status indicating the end of the file was reached, calling another property of the method to acquire an address of the message buffer space, providing the message buffer space address in the form of a VB VARIANT data type, parsing the contents of the message corresponding to the message buffer address into elementized message format variables within at least one VB class, performing at least one of writing a structured query language record of the parsed message contents into an output file and examining VB date variables in a predetermined VB class to determine if the parsed message contents should be written to an elementized message format output file, and storing the output file in a relational database management system.

Because the cited references, either alone or in combination with one another, fail to teach or suggest all of the limitations of amended independent claims 1, 22, 73, 74, 75, and 76, the Examiner has failed to establish the required *prima facie* case of unpatentability. See In re Royka, 490 F.2d 981, 985 (C.C.P.A., 1974) (holding that a *prima facie* case of obviousness requires the references to teach all of the limitations of the rejected claim); See also MPEP §2143.03. The Examiner has failed to establish the required *prima facie* case of unpatentability for independent claims 1, 22, 73, 74, 75, and 76 and similarly has failed to establish a *prima facie* case of unpatentability for claims 2-21 that depend on claim 1 and claims 23-72 that depend on claim 22 and claims 36-68 that depend on claim 35, and which recite further specific elements that have no reasonable correspondence with the references.

Conclusion

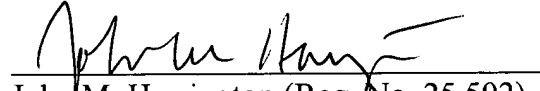
In view of the foregoing amendment and these remarks, each of the claims remaining in the application is in condition for immediate allowance. Accordingly, the Examiner is requested to reconsider and withdraw the rejection and to pass the

application to issue. The Examiner is respectfully invited to telephone the undersigned at (336) 607-7318 to discuss any questions relating to the application.

Respectfully submitted,

Date:

3/9/05



John M. Harrington (Reg. No. 25,592)
for George T. Marcou (Reg. No. 33,014)

Kilpatrick Stockton LLP
607 14th Street, NW, Suite 900
Washington, DC 20005
(202) 508-5800